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Paper No. 25

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APR 22 2004

DIRECTOR OFFICE  
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In re Application of  
Gernot Hoyler  
Application No. 09/096,133  
Filed: June 11, 1998  
For: COMPUTER-AIDED SIMULATION  
METHOD FOR DETERMINING THE  
ELECTROMAGNETIC FIELD OF A  
BODY

DECISION ON PETITION  
UNDER 37 CFR §1.181 TO  
WITHDRAW HOLDING OF  
ABANDONMENT

This is a decision on the petition filed 09 February 2004 under 37 CFR §1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 19 May 2003 (paper no. 22). A Notice of Abandonment was mailed 22 January 2004 (paper no. 23).

Petitioner indicates that a Request for Continuing Examination (RCE) was filed in the present application after the Decision of the Board of Patent Appeals and Interferences of 19 November 2002 (paper no. 18). It is noted that the RCE filing was received on 16 December 2002 and entered as paper no. 20. An Information Disclosure Statement was also received on 16 December 2002 and entered as paper no. 21. An Office action was mailed in response to the RCE on 19 May 2003 (paper no. 22).

The statements in the petition are directed towards Petitioner's belief that the Patent and Trademark Office (Office) did not receive the RCE filing of 16 December 2002. However the RCE was received and entered in the present application and an Office action was mailed in response to the RCE. The abandonment is based on the failure to timely reply to the Office action mailed 19 May 2003 (paper no. 22) and not the failure to respond to the Decision of the Board of Patent Appeals and Interferences of 19 November 2002 (paper no. 18). Accordingly, the Petition is **DISMISSED**.

It appears that Petitioner may have not received the Office action mailed 19 May 2003. Petitioner may wish to consider directing a request for reconsideration of this petition towards withdrawing the holding of abandonment based on a failure to receive an Office action. See MPEP §711.03(c)(II).

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



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